

Award No. 716
Docket No. MC-696-7
2-GM&O-1-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

JOE HARDY THORNHILL

vs.

GULF, MOBILE AND OHIO RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEE: The petitioner contends that the carrier wrongfully failed and refused to restore him to service as a machinist helper in Bogalusa, Louisiana, on or about the month of January, 1936, in violation of the contract and rules governing seniority established by contracts between the carrier and the Railway Employees' Department, American Federation of Labor.

FACTS AND POSITION OF PARTIES: The petitioner states that he is entitled to certain seniority rights under the agreement resulting from change in occupation. The carrier shows that he was given seniority in agreement entered into under date of June 4, 1940, between representatives of the carrier and System Federation No. 113.

OPINION OF THE DIVISION: This Board has jurisdiction only in case the parties "fail to reach an adjustment." Here the parties did not fail to reach an adjustment; they decided on the proper status of the employe in question. The statute does not say the matter must be settled in a manner satisfactory to the individual.

The proper representatives of the employes conferred with the proper representatives of the carrier. They came to a decision and so far as any further proceeding under the statute is concerned that decision is final. This Board has no further jurisdiction to review it. See Arnold Hildebrand vs. Union Pacific Railroad Company Award No. 643.

AWARD

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

**ATTEST: J. L. Mindling
Secretary**

Dated at Chicago, Illinois, this 25th day of March, 1942.